THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.20817 of 1994

Dt.23-02-2006

Between:

Ch.Veeraiah

..petitioner

and

1. The Collector & Agent to Govt., Adilabad Dist. and others.

..Respondents.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.20817 of 1994

Oral Order:

This writ petition is filed to set aside the orders passed by the 1st respondent in allowing the appeal filed by the 3rd respondent in Case No.D4/Ag/35/87 dated 26-05-1990 while setting aside the order passed by the 2nd respondent who ordered ejectment of the 3rd respondent from the suit schedule property and directing the Mandal Revenue Officer to take custody of the land along with standing crop.

The 2nd respondent suo motu initiated proceedings under A.P. Scheduled Area Land Transfer Regulation Act, 1959 r/w Regulation I of 1970 stating that petitioners' father, who is non-tribal sold patta land in Sy.No.181 of Tosham village, Gudhihathnoor Mandal in favour of 3rd respondent who is in possession of the suit land and accordingly issued show cause notice. On receiving the explanation the 2nd respondent by order dated 02-06-1987 held that the sale agreement filed by the 3rd respondent stating that he purchased the land prior to Land Transfer Regulations has no evidentiary value. Therefore, he cannot acquire any right and accordingly ordered for resumption of the land after due eviction of the 3rd respondent. Aggrieved by the same, 3rd respondent carried the matter in appeal before the Agent to the Government—1st respondent herein; whereas the father of the petitioners has not preferred any appeal against the said order. The 1st respondent by the impugned order allowed the appeal accepting the claim of the 3rd respondent that the transaction took place between non-tribals prior to enforcement of Regulation I of 1970 and 3rd respondent was in possession of the same and accordingly set aside the resumption order passed by the 2nd respondent and ordered for re-delivery of the possession. Questioning the correctness of the said order present writ petition is filed.

Since the petitioners' have not aggrieved by the resumption order passed by the 2nd respondent, resuming the land from the possession of the 3rd respondent, and admittedly the said lands are sold by petitioners' father in contravention of Regulation I of 1970, in the absence of any right petitioners cannot question restoration of possession which was admittedly taken by the Government.

Writ Petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

23-02-2006

Murthy